

UNITED STATES OF AMERICA,

v.

SEAN C. SOWARDS,

Defendant.

THIS MATTER is before the Court on Mark P. Foster, Jr.’s “Motion to Withdraw As Counsel” filed January 7, 2009 (document # 39). As Mr. Foster notes in his Motion, the Defendant has previously been found incompetent to stand trial, and thereafter was returned to the Federal Medical Center at FCI Butner for treatment and ultimately for the experts there to determine whether he can be restored to competency.

In support of his Motion, Mr. Foster reports that he received a letter and a telephone call, in November and this month respectively, in which the incompetent Defendant attempted to “fire” him. In the telephone call, reportedly received January 6, 2009, the defendant expressed anger that Mr. Foster had not moved to withdraw after receiving his letter in November. Mr. Foster responded by filing the subject Motion.

The Court will hold Mr. Foster's Motion to Withdraw in abeyance until the experts determine whether the defendant is competent to proceed and he is returned to this District. Whether or not he is found competent, a hearing will be conducted on the subject Motion at that time.

FOR THE FOREGOING REASONS the subject “Motion to Withdraw as Counsel for Defendant” (document # 39) shall be **HELD IN ABEYANCE** pending a hearing to be held thereon

once the defendant has been returned to this District.

SO ORDERED.

Signed: January 7, 2009

Carl Horn, III

Carl Horn, III
United States Magistrate Judge

